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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,311	02/21/2002	Leslie A. Baxter	Baxter 10-1-3	3677

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PATTERSON & SHERIDAN, LLP/
LUCENT TECHNOLOGIES, INC
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702

EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,311

Applicant(s)

BAXTER ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in regards to the Amendment and Response received on 08 September 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10-13 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. (Rao), U.S. Patent No. 6,674,756 in view of Keats et al. (Keats), U.S. Patent No. 6,738,828.
4. Regarding claims 1, 2, 10, 17, and 18, Rao discloses the invention substantially as claimed. Rao discloses a method and apparatus for translating control messages comprising: intercepting an input message intended for a router [see Rao, Col. 8, line 66 - column 9, line 11], said router partitioned into a plurality of logical router partitions, said input command message expressed in terms of a logical router partition [see Rao, Col. 9, lines 12-23, Col. 19, line 62-Col. 20, line 3]; translating the logical router partition or target identifier expressed in said input command message into a physical router expression or target identifier [see Rao, Col. 15, lines 32-41]; and propagating said input command message including any translated expressions, toward said router [see Rao, Col. 9, lines 44-59, column 20 lines 11-15]. However, Rao does not explicitly specifically enumerate intercepting an input command message, nor TLI messages.

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5. In the same field of endeavor, Keats discloses intercepting a TLI command message [see Keats, Col. 4, lines 18-22]. Keats teaches a network system with multiple network elements, and Rao teaches a particular network element, that is a physical network switch. Furthermore, Rao provides motivation to combine by stating that there is a need for a network switch capable of providing fault-tolerant and efficient services that will accommodate the increase in the number and the variety of network traffic. Thus, since Keats does provide for a network element (network switch) that is equipped with either or both requesting and reporting functionality. This is evidence of the motivation to combine the two references.

6. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention for the network element of Rao to be one of the network elements of the system of Keats, as Keats enumerates multiples network elements said network elements performing such functions as adding, dropping and multiplexing frames [see Keats, Col. 1, lines 13-26].

7. Regarding claims 3, 11 and 19, Rao-Keats discloses indexing a logical target identifier with an input correlation tag of said input command message, [see Keats, Col. 6, lines 59-Col. 7, line 2 wherein correlation tags are described, Rao Col. 14, lines 41-55, Col. 15, lines 6-24, wherein indexing of parameters of the message are described, including a logical target identifier].

8. Regarding claims 4, 5, 12 and 20, Rao-Keats discloses intercepting a return message from the router, said return message expressed in physical router terms; translating said physical router expression or target identifier to said return message into a logical router partition or target identifier and propagating said translated return message toward said network manager [see

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Keats, Col. 8, lines 25-58, wherein a return TLI messages is propagated back to the network manager].

9. Regarding claims 6 and 13, Rao-Keats discloses determining said logical target identifier from a return correlation tag of said return message and an index, wherein an input and the return correlation tags are equivalent [see Keats, Col. 6, lines 59 – Col. 7, line 5, wherein Keats teaches that the input and response correlation tags are "matched up"].

Claim Rejections - 35 USC § 103

10. Claims 7-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao and Keats as applied to claims 1 and 10 above, and further in view of Doolan, U.S. Patent No. 5,764,955.

11. Regarding claims 7 and 14, Rao-Keats discloses the invention substantially as claimed. Rao-Keats does not explicitly enumerate the return message comprises at least one of a command response message and an acknowledgment message.

12. In the same field of endeavor, Doolan discloses response and acknowledgement messages [see Doolan, Col. 5, lines 36 – Col. 6, lines 36].

13. Accordingly, it would have been obvious for the return message to be a response or acknowledgement message, as Rao-Keats already discloses TLI messages, and such messages are known as TLI messages.

14. Regarding claims 8 and 15, Rao-Keats discloses translation of physical to logical identifiers, and propagating said translated message to the router (as noted in claims 1 and 10 above). Rao-Keats does not explicitly enumerate intercepting an autonomous TLI message from one of the network elements. Doolan discloses autonomous TLI messages [see Doolan, Col. 6,

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lines 23-36]. It would have been obvious for the intercepted message to be any of the known types of TLI messages, including an autonomous message as Rao-Keats already discloses TLI message communication.

15. Regarding claims 9 and 16, Rao-Keats and Doolan discloses the autonomous message comprises an alarm message [see Doolan, Col. 6, lines 23-36].

Response to Arguments

16. Applicant's arguments filed on 24 August 2005 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention. Applicant's arguments include:

A. Applicant argues that neither of the references teaches or suggest translating and propagating the message having the translated expression to the router.

B. Applicant argues that there is no motivation to combine Rao-Keats.

17. As to Point A, it is the position of the Examiner that this feature is taught within Rao-Keats and Doolan [see Rao, Col. 10, lines 19-26], where it is taught that when a packet arrives in to the system the GFI software translates the packet into a generic format using the GFI utilities, and then is transmitted to a physical port. Furthermore, Rao does disclose propagation [see Rao, Col. 29, lines 27-30].

18. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Keats teaches a network system with multiple network elements, and Rao teaches a particular network element, that is a physical network switch. Furthermore, Rao provides motivation to combine by stating that there is a need for a network switch capable of providing fault-tolerant and efficient services that will accommodate the increase in the number and the variety of network traffic. Thus, since Keats does provide for a network element.

Response to Arguments

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

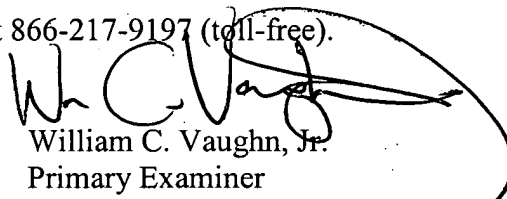
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143
07 December 2005

WCV